

REMARKS

Claims 1-2 and 5-26 are in the case and presented for consideration.

Thorough examination and allowance of claims 15 and 16 is appreciated.

Errors in the specification have been corrected. No new matter has been added.

The paragraph beginning at line 3 on page 5 (hereinafter referred to as the "corrected paragraph") has been deleted and moved to or inserted into page 6. This corrected paragraph was intended to be a further embodiment to Fig. 3 as opposed to Fig. 2, and was accidentally misplaced. This corrected paragraph refers to a rotor 1a. Fig. 2 does not have any element 1a. Fig. 3, however, contains element 1a. Furthermore, this corrected paragraph seems to share the same mistaken description of rotor 1a with the paragraph beginning at line 25 on page 5. In Applicants last response, the paragraph beginning at line 25 was amended to change the reference number for the rotor from 1a to 12. Accordingly, the insertion of the corrected paragraph into page 6 also changes the reference number for the rotor from 1a to 12. The corrected paragraph only makes sense in connection with Fig. 3 (and with altered references 1a->12), because it deals with a variation where a rotor 12 is connected to actuating member 4. In connection with Fig. 2, the paragraph on page 5 does not make any sense, because the rotor of Fig. 2 is already magnetic and does not show a rotor separate from element 4.

The amendment to the first full paragraph beginning on page 6, line 5 is supported by the brief description of Fig. 4 on page 3, line 29.

Turning to the rejection of the claims, claims 1, 2, 8, 10, 12, and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,598,908 to York et al.

MPEP 2131 states:

"A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants previously argued that the Office had not established a *prima facie* case of anticipation with respect to claim 1 because the Office had not identified any element in York '908 that could be construed, even under the broadest construction, as a **knob**, as claimed. In particular, the Office cited to a shaft 32 in York '908, which one skilled in the art understands to be entirely different from a knob. The Office responded in an Advisory Action mailed March 7, 2007 that a knob is defined in Merriam Webster's dictionary as a "rounded protuberance". Applicants respectfully disagree with the Office's rationale.

The terms shaft and knob are both nouns that have different meanings. One having ordinary skill in the art would clearly recognize that the two terms are not interchangeable or synonymous. Since both terms are nouns (i.e., a

thing), a knob cannot read on a shaft unless the terms are synonyms. That is, the meanings of the terms have to be the same on the whole. Instead the Office ignores the entire definition of shaft and focuses on the shaft as only being rounded and a protuberance. This is improper claim construction since the entire meaning of shaft must be considered. Furthermore, a shaft is cylindrical and it is a bar. A knob does not read on a cylindrical bar.

Furthermore, claim 1 recites that “the coil is configured to exert a variable braking action on the rotary knob.” The Office does not cite to any location in the York ‘908 which discloses this limitation. Rather, the Office simply states in a conclusory manner that the limitation is disclosed. Referring to the Board of Patent Appeals and Interferences decision in *Ex Parte Naoyo Isoda*: “To meet [the] burden of establishing a prima facie case of anticipation, the examiner must explain how the rejected claims are anticipated by pointing out where all of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection.” *Ex Parte Naoya Isoda*, Appeal No. 2005-2289, Application 10/064,508 (BPAI Opinion October 2005). MPEP guidelines per 1.104(c)(2) of Title 37 of the Code of Federal regulations and section 707 of the MPEP state that “the particular part relied on must be designated” and “the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified”. The Office has not identified where York ‘908 discloses a “coil is configured to exert a variable braking action on the rotary knob” as claimed in the claim 1. On the contrary, York ‘908 explains that:

A microprocessor-controller 68 is connected to the power supply or amplifier 66 and is adapted to control the amplifier, power supply 66 to provide a preselected variation in magnitude of current to the coils 38, 38' whereby ***the magnetic coupling between the rotor member 14 and the fixed housing assembly 12 will be varied.*** (Emphasis added) see col. 9, lines 41-44

Thus, it is the rotor member 14 (**not** the shaft 32) which is subjected to the variable braking action. The shaft 32 transmits torque to the rotor member 14, but that torque is resisted as direct current is supplied to coils 38, 38'. Accordingly, claim 1 is believed to be patentable.

Claim 6 has been rejected as obvious from York '908. Claim 6 depends from claim 1 and is patentable for at least the same reasons as claim 1.

Applicants further submit that the Office has not established a *prima facie* case of anticipation with respect to claim 12. The Office has not identified at least one element of claim 12 in the cited reference. In particular, claim 12 recites inter alia, "the control element is configured to control a graphical user interface." The Office states that "the control element is configured to control a graphical user interface 68." Applicants respectfully disagree and have submitted arguments in the previous response (see Response dated January 29, 2007) showing the Office's rejection as without merit. Applicants note on the record that the Office has not responded to Applicants arguments, and accordingly, Applicants arguments are deemed to be considered by the Office as valid. Thus, it is Applicants

understanding that claim 12 is deemed by the Office to be patentable.

New claims 17-18 and 20-21 are presented herein and further distinguish the cited reference since shaft 32 does not cover any portion of or cover entirely, surround, or lie adjacent to excited plates 18, 18' (plates 18, 18' being construed by the Office as the claimed stationary part of a magnetic circuit).

New claims 22-26 are also newly presented and believed to be patentable.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

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